

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Susan Shoemaker, Plaintiff,	:	No.:
	:	
	:	Civil Action
v.	:	
	:	
Chelcie McConnell and Stacey McConnell,	:	
Defendants.	:	

**COMPLAINT**

1. This is a diversity action arising out of an automobile collision that occurred on March 30, 2006 involving a Delaware Plaintiff and a Ohio Defendant, wherein the Plaintiff sustained serious injuries.

**JURISDICTION**

2. The diversity jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1332, 2201, and 2202. This case arises between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.
3. Venue is appropriate pursuant to 28 U.S.C. § 1391(a)(2) because a substantial part of the events concerning the claims occurred in this judicial district.

**PARTIES**

4. Plaintiff is a citizen of the State of Delaware and resides at 624 Pepperbush Court, Wilmington, DE 19808.
5. Defendants, upon information and belief, are citizens of the State of Ohio and reside at 2234 Forrest Ridge, Hebron, Ohio 43025.

**FACTS**

6. On or about March 30, 2006, Plaintiff was operating a vehicle.

7. At the same time, Defendant Chelcie McConnell was operating a vehicle owned by Stacey McConnell directly behind the Plaintiff.
8. Suddenly and without warning, Defendant Chelcie McConnell crashed into Plaintiff's vehicle, causing serious injuries to the Plaintiff.

### **COUNT I**

9. Plaintiff hereby incorporated paragraphs one through eight (1 – 8) by reference as though fully set forth herein.
10. The aforesaid collision was proximately caused by the negligent conduct of Defendant Chelcie McConnell in that he:
  - (a) failed to give full time and attention to the operation of his vehicle in violation of 21 Del. C. Section 4176(b);
  - (b) failed to maintain a proper lookout in violation of 21 Del. C. Section 4176(b);
  - (c) failed to maintain control of his vehicle;
  - (d) drove his vehicle in a careless or imprudent manner in violation of 21 Del. C. Section 4176(a);
  - (e) failed to operate his vehicle with due regard for road, weather and traffic conditions in violation of 21 Del. C. Section 4176(a).

### **COUNT II**

11. Plaintiff hereby incorporates paragraphs one through ten (1-10) by reference as though fully set forth herein.
12. At the time of the collision, Defendant Stacey McConnell was the registered owner of a vehicle driven by Defendant Chelcie McConnell.

13. Defendant Stacey McConnell negligently entrusted her vehicle to Defendant Chelcie McConnell when she knew or should have known that Defendant Chelcie McConnell was not a responsible driver.

**COUNT III**

14. Plaintiff hereby incorporates paragraphs one through thirteen (1-13) by reference as though fully set forth herein.

15. As a direct and proximate result of the aforesaid collision, Plaintiff has suffered and will continue to suffer in the future serious bodily injuries, pain and suffering, inconvenience, mental anguish and disability, some or all of which may be permanent in nature.

16. As a direct and proximate result of the aforesaid collisions, Plaintiff has incurred and will incur in the future medical and other expenses related to treatment for his injuries.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, individually and severally, for special, general and consequential damages in an amount to be determined by the Court plus interest and costs.

BEVERLY BOVE, ATTORNEY AT LAW

BY: 

Beverly L. Bove (2013)  
Vincent J. X. Hedrick, II (2745)  
1020 W. 18<sup>th</sup> St., Suite 2  
P.O. Box 1607  
Wilmington, DE 19899  
(302) 777-3500  
Attorneys for Plaintiff

Date: 

## CIVIL COVER SHEET

JS 44 (Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Susan Shoemaker

(b) County of Residence of First Listed Plaintiff

New Castle, DE

Vincent S. X. Hedrick, II

Beverly L. Bove

1020 West 18<sup>th</sup> Street

(c) Attorney's (F)

P.O. Box 1607

Wilmington, DE 19899

## DEFENDANTS

Chelcie McConnell  
Stacey McConnell

County of Residence of First Listed Defendant

Franklin, Ohio

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

28 USC Sections 1332, 2201 and 2202

Brief description of cause:

March 30, 2006 Auto Collision

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

08-014

Civil Action No. \_\_\_\_\_

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 3 COPIES OF AO FORM 85

1-7-08  
(Date forms issued)

[Signature]  
(Signature of Party or their Representative)

J. Stowell  
(Printed name of Party or their Representative)

2008 JAN -7 PM 4:37

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

Note: Completed receipt will be filed in the Civil Action